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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
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Forty-sixth session

SUMMARY RECORD OF THE 503rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 18 October 1995, at 10 a.m.

Chairman: Mr. LARSEN (Denmark)

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GENERAL DEBATE (continued)

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The meeting was called to order at 10.25 a.m.

GENERAL DEBATE (agenda item 4) (continued) (A/AC.96/845, 846/Part II/, 847, 850, 851, 852 and 855)

1. Ms. VAVROVA (Observer for the Czech Republic) said that, at a time of urgent and complicated emergency situations involving a growing number of persons requiring international protection and assistance, the only efficient way of addressing forced population movements was by a coordinated, comprehensive and regional approach on the part of the international community, together with close but not overlapping cooperation between the appropriate specialized agencies both within and outside the United Nations system. The basis for such an approach was UNHCR's solution-oriented strategy, which aimed to prevent forced population movements and to provide optimum and durable solutions to refugee problems, predicated on the economic and social post-conflict rehabilitation of the countries of origin in order to enable refugees to return. Her delegation agreed with the need to link humanitarian aid, political conflict-solving initiatives and development programmes, which together helped to solve refugee problems.

2. The Czech Republic was now focusing on programmes for the full integration of persons with refugee status living in its territory. The State programme for refugee integration, financed from the State budget, had entered its second year of successful existence.

3. While taking a mildly optimistic view of the situation in the former Yugoslavia, her country considered that the massive new refugee waves caused by armed hostilities there could not be overlooked. It commended the international community's intensified efforts to satisfy the basic needs of the suffering population, to which it had continued to provide direct humanitarian aid through non-governmental organizations. Maximum efforts were being made to focus aid on the real needs of specific regions, without regard for the nationality or religion of its recipients. A substantial increase in the volume of assistance provided by her country was envisaged during the coming year.

4. The Czech Republic also helped to alleviate the suffering of civilian populations by granting temporary protection, whose main beneficiaries had been the citizens of Bosnia and Herzegovina, and it was looking at ways of determining the legal status of such persons and of creating conditions to offer them a clearer prospect of their life in the Czech Republic.

5. The unconditional observance of the principle of non-refoulement and the need to address refugee protection within the wider context of human rights protection were key elements of international refugee protection. Her delegation disapproved of any measures barring the exercise of the right to seek asylum, to participate in asylum procedure and to enjoy protection against persecution on the grounds of race, religion, nationality or membership of a particular social or political group. The capacity of receiving countries, many of which were grappling with their own economic and social problems, was, however, not inexhaustible and there was a need to create both an efficient and fair asylum procedure to prevent the abuse of asylum and to guarantee protection for those who really needed it.

6. Her delegation appreciated the activities of UNHCR and the commitment of its staff, who were performing their demanding task under increasingly complicated and dangerous conditions.

7. Prince Sobandla DHLAMINI (Observer for Swaziland) said that the emergence of peace in southern Africa had raised hope that, for the first time in many years, the region would be free of anguish and despair. However, the endless wars in other African States, particularly to the north, had compelled Swaziland once again to honour its international and humanitarian obligations. While his Government had always fulfilled its commitments under the 1951 Convention, the ordinary Swazi viewed the presence of refugees as a threat to his own survival and the Government faced an uphill struggle to convince citizens of the need to accept and protect refugees, a task that was difficult for a small country which had meagre resources and high unemployment and suffered from persistent drought.

8. Like most developing countries, Swaziland was hindered in its efforts to ease suffering among refugees by its economic limitations. It appreciated the need to improve clinic facilities in the refugee camp in terms of human resources and medication as a means of eventually reducing high hospital costs. There was also a need to cater for children under five and for the vulnerable groups that required special attention. The phasing out by UNHCR of cash allowances meant that funds had to be injected into income-generating projects, particularly as the majority of refugees in Swaziland were young single males who deserved every assistance in order to help them help themselves. The problem of overcrowding, which compelled families and their children to live together, contrary to Swazi culture and tradition, also required attention.

9. He realized that budgetary constraints had forced UNHCR to cut the size of its staff in Swaziland, although that step had unfortunately not had a positive impact, since it had compromised UNHCR's work. Swaziland was also concerned by the increasing numbers of refugees who had moved through several countries before reaching Swaziland. It had raised the issue with the UNHCR Liaison Office in Mbabane and the Regional Office in Johannesburg, which had expressed UNHCR's willingness to assist the regional meeting that Swaziland intended to convene on the issue following the recent successful workshop on international refugee law and policy it had organized. Those successful endeavours were a result of understanding and cooperation by CARITAS, UNHCR and the Government of Swaziland.

10. Mr. POKHAREL (Observer for Nepal) noted with pleasure that Nepal's two neighbours, India and Bangladesh, together with the Russian Federation, had become members of the Executive Committee.

11. The exemplary way in which UNHCR had been fulfilling its mandate despite serious financial and other constraints was a tribute to the perseverance and dedication of the High Commissioner, whose important opening statement had clearly delineated the challenges facing UNHCR. He also paid tribute to the staff of UNHCR, who had been carrying out their mandate under the most trying circumstances.

12. Since the restoration of a multi-party system of Government in 1990, Nepal had been engaged in the uphill task of ensuring its socio-economic development, on which the burden of hosting refugees had taken a heavy toll. Without the generous assistance of UNHCR, other international agencies and donor countries, Nepal would not have been able to carry out its duty to provide asylum and the Government of Nepal deeply appreciated the assistance it had received.

13. He drew attention to the report of the High-Level Intergovernmental Meeting on the Mid-Term Global Review on the Implementation of the Programme of Action for the Least Developed Countries for the 1990s, which had recently been held in New York. It described the destabilization caused by the presence of large numbers of refugees in the least developed countries, which had been obliged to provide asylum at a high budgetary, environmental and social cost, and called for urgent and concrete international support to assist countries hosting refugees.

14. The Overview of UNHCR activities (A/AC.96/845/Part II) mentioned that no durable solution had been found to the problem of over 86,000 Bhutanese refugees in Nepal, despite two rounds of bilateral talks between the two Governments in June 1994 and February-March 1995. The Ministerial Joint Committee established to seek a solution to the problems of Bhutanese refugees in Nepal had so far held six rounds of talks and he assured UNHCR, as well as donor countries, that the Government of Nepal was committed to finding an early solution to that problem.

15. While his delegation deeply appreciated the assistance received from UNHCR, it had misgivings about the readiness expressed by UNHCR in document A/AC.96/846/Part II/5 to support local integration as part of a durable solution. Nepal was prepared to do everything possible to facilitate the early repatriation of Bhutanese refugees and welcomed the offer of good offices made by the High Commissioner in her opening statement. It would appreciate information on progress in that direction and reiterated its readiness to cooperate with the High Commissioner.

16. Nepal was also willing to continue the bilateral dialogue with Bhutan. Bhutanese refugees in Nepal were registered by UNHCR under its normal status-determination procedures and agreement had been reached on the modalities of field verification to resolve any doubts about status. However, the existing national legislation of both Bhutan and Nepal could provide no guiding principles for field verification on account of the inadequacy of their citizenship and immigration laws. The absence of any provisions to deal with refugees in the two countries' legislative instruments left room for the creation of statelessness on a large scale. In view of those difficulties, Nepal had proposed that verification should be carried out with the technical assistance of UNHCR or any other competent body. It was open to suggestions to ensure that the problem, which was already having an adverse economic, social and environmental impact in the areas where the refugee camps were located, was not allowed to fester indefinitely.

17. His delegation welcomed not only the High Commissioner's determination to guarantee the protection of refugee women and children, including their protection against sexual violence, but also her intention to continue to

explore imaginative ways of implementing policies in cooperation with NGOs, as well as with other agencies and bodies within the United Nations system. The human and material resources at UNHCR's disposal were far below the demands made on it and the High Commissioner's clear focus was invaluable in upholding values cherished by mankind.

18. Mr. MADEY (Observer for Croatia) said that the Executive Committee's current session was taking place at a very important time, when crucial political decisions were shaping the future of many countries and the destinies of their populations and when huge numbers of refugees and displaced persons were seeking shelter and finding substantial help through international humanitarian aid, of which UNHCR was one of the most important sources.

19. During the four years of horrifying war resulting from Serbian aggression against Croatia and then Bosnia and Herzegovina, the Republic of Croatia had borne the burden of caring for over 1 million refugees and displaced persons, even though its economy was being adversely affected. The total war damage in Croatia amounted to over US$ 20 billion. Despite those difficulties, the Republic of Croatia had provided over US$ 2 billion to care for refugees and displaced persons and a further DM 420 million for the schooling and health care of displaced persons. Those figures showed that the bulk of the burden of providing for refugees in its territory had been borne by the Republic of Croatia, whose efforts should be recognized. He also drew attention to the genocidal practice of ethnic cleansing engaged in by the Serbian aggressor in areas of Croatia and Bosnia and Herzegovina and emphasized that, in appraising the dimensions of the humanitarian catastrophe and large-scale displacement of population, the fundamental causes resulting from the Serbian aggression should not be disregarded.

20. The lessons learned from that unprecedented humanitarian catastrophe would be very helpful in preparing for the forthcoming phase of repatriation and return of refugees that would hopefully result from a comprehensive peace agreement in Bosnia and Herzegovina and Croatia. Paradoxically, the problem of providing shelter in a time of aggression might prove to be relatively easier than the organization of the repatriation and return of refugees and displaced persons to their homes. Many persons might not be aware of the magnitude and requirements of that task within the framework and criteria of international conventions.

21. The Republic of Croatia was already in a position to organize the return of displaced persons and refugees to the liberated territories. A decree on returnees had recently been adopted to facilitate the process. The Government had decided to speed up the homecoming of 121,000 persons, who had been divided into three groups on the basis of the extent of the damage to their houses. In addition to assistance with reconstruction, returnees were entitled to financial welfare, humanitarian aid and complete health care. The duration of returnee status depended on the possibilities of economic revival in each area. Certain conditions had to exist for refugees to return, but they were not easily secured. The process of return thus had to be organized and encouraged - if only because many refugees did want to return home and to see their areas reconstructed and developed both socially and economically.

22. Croatia was currently accommodating over 400,000 refugees, who made up one tenth of its population. It had been bearing that burden for over four years and its available resources were increasingly limited. The announcement by the Government of Croatia of measures relating to return had been somewhat incorrectly interpreted by the media and by some humanitarian organizations. The Government had and would continue to do everything within its means to ensure that the requirements of international conventions concerning refugees and human rights were met as fully as possible.

23. Between 10,000 and 15,000 refugees were expected to return to safe areas in Bosnia and Herzegovina, and not 100,000, as had been stated by some. A meeting had been held on 11 October between high officials of Croatia and Bosnia and Herzegovina to prepare for the return, which was to be organized gradually, in accordance with the provisions of international conventions, to safe areas, on a voluntary basis and with dignity. No discrimination based on religion or nationality would be practised in connection with the return and it would be conducted in accordance with the Agreement on the Return of Refugees signed in Zagreb on 24 March 1995 between the Governments of Croatia and of Bosnia and Herzegovina. The Coordination Committee for the return of refugees would start functioning within a fortnight and take decisions on the beginning of organized return in cooperation with international humanitarian organizations.

24. International aid for the return of refugees in the territory of the former Yugoslavia was not only welcome, but also necessary to ensure the safe, dignified and timely return of all displaced persons to their homes after the conclusion of a peace accord. His delegation joined in appealing for help to assist the victims of that horrible war that was hopefully coming to an end; without substantial help, it would be too difficult to execute plans for a stable peace or to build conditions for safe return to the areas destroyed during the war. That issue would rank high on the agenda of the proximity talks due to begin on 31 October 1995 and on the agendas of all other relevant conferences.

25. Some countries and officials of the United Nations and international organizations had voiced concern about certain developments and about acts adopted by the Government of Croatia, which was nevertheless aware that it had yet to establish full control over the reintegrated territories and that the establishment of civilian authority had been slow and not without incidents. Grave breaches of international humanitarian law could not and would not be condoned by the Government of Croatia and, accordingly, a total of 661 cases of looting, 27 cases of arson and 7 confirmed and 35 suspected cases of murder had been reported in the reintegrated territories. Twenty-four people had so far been detained on suspicion of committing or abetting violations of Croatian criminal law and breaches of international humanitarian law.

26. Full respect for the human rights of all Croatian citizens was a primary goal for the Government of Croatia and, in that connection, his delegation wished to assuage fears about the property rights of the ethnic Serbs who had left Croatia and whose property was now regulated by the recently instituted Sequester law. That law did not call property rights into question, but was designed to regulate the property to mitigate the problem of looting and

destruction. Any property currently in the care of the Government of Croatia would be returned to its original owners or compensated for as part of the overall peace settlement in the region.

27. Croatia was aware of its responsibilities and of the magnitude of the task which awaited it and for which it was preparing with the cooperation of various international organizations, including the Council of Europe and the Central European Initiative. Most of the work lay ahead and new structures of organization and coordination would be established within which UNHCR was expected to play a major role. Cooperation to perform the task had to be efficient, as it would affect the destinies of thousands, but it also had to respect the role and responsibilities of each partner in the process, thus developing the confidence that was not easy to build, but was easy to undermine.

28. Mr. von BERNUTH (International Council of Voluntary Agencies), speaking on behalf of the NGO community, expressed appreciation for the way in which the recommendations of PARinAC had been implemented by UNHCR to address issues of cooperation and consultation with NGOs across a wide range of policy and operational questions. The High Commissioner was personally to be commended for calling attention to human rights violations by Governments in Europe, Africa and, most recently, Latin America. NGOs encouraged the Executive Committee to reaffirm its commitment of openness by inviting their representatives to participate in the meetings of the new Standing Committee of the Whole. In particular, NGOs wished to emphasize the importance of building confidence about refugee policy-making, reflecting the convergence between human rights and humanitarian concerns, and of countering the widespread perception that asylum policies in both underdeveloped and industrialized countries were continuing to move in a restrictive direction.

29. NGOs were also very concerned about refugees and internally displaced populations living beyond the reach of international assistance. Governments should actively support measures to end violations of human rights and humanitarian law and to provide access by monitors and representatives of civil society to ensure protection and assistance. In that regard, NGOs strongly condemned the forcible repatriation of thousands of refugees by the Government of Zaire and its setting of a deadline for the return of the remaining Rwandan refugees, as well as the use of force to hold refugees hostage in the camps and to impede voluntary repatriation. Pressure must be brought to bear on the Government of Zaire to reverse its decision and the necessary steps must be taken to separate the militia and other armed elements in the camps from the general refugee population and to institute processes promoting individual determination of status.

30. NGOs were prepared to collaborate with the High Commissioner to develop proposals for the enhanced implementation of international protection and to submit a report to the forty-seventh session of the Executive Committee. With regard to internal management priorities and structures, NGOs recommended that the status of the Division of International Protection should be reviewed and that the Division should be provided with the necessary resources to reflect the overall importance of international protection as the core purpose of UNHCR.

31. The normative and institutional framework for responding to the needs of internally displaced persons was insufficient and UNHCR should continue to support efforts to develop standards for the protection of those people and to participate actively in the work of the inter-agency task force, which provided a forum for the integration of human rights and humanitarian concerns for internally displaced persons.

32. In that regard, NGOs appealed to the international community to urge the Government of Sierra Leone to ensure security along main access routes so that relief supplies could reach the millions of refugees from Guinea and Liberia, as well as internally displaced persons, who were at dire risk. They also appealed to the international community to honour the promises of aid to Rwanda so that the Government could fulfil its obligations to reconstruct the country and create conditions that would promote justice, reconciliation and peace.

33. Even after the genocide in Rwanda, the international community was again showing signs of reluctance to take urgent action to end the "creeping" genocide in Burundi. In the Great Lakes region, immediate international action was required, with the involvement of local participants and especially women. Strategies should include initiating dialogue among the warring parties to end the bloodshed within a given time-frame and under the auspices of the Organization of African Unity.

34. With regard to the most vulnerable of refugees, NGOs welcomed efforts by UNHCR to ensure the implementation of its guidelines on protection and care of refugee children. The progress report called for by the Executive Committee on the implementation of the guidelines should be submitted annually and for general distribution. NGOs also called on the Executive Committee to reaffirm the importance accorded to the implementation of women's policies. Priority should be given to establishing institutional frameworks and promoting the positive attitudes necessary to translate those policies into practical action. Women and children comprised the vast majority of refugees and there was a need to predict and monitor the impact of any policy or programme on their well-being.

35. NGOs called on UNHCR and Governments to support women's initiatives in conflict resolution and to build on the experience of women's peace initiatives and urged UNHCR to coordinate with UNIFEM and UNICEF to ensure that women participated in peace negotiations.

36. NGOs appreciated the efforts to address reproductive health through the inter-agency symposium and urged the speedy finalization and utilization of the field manual on reproductive health.

37. The protection of women's rights demanded accountability of the perpetrators of gender-based war crimes against women and girls and the protection from persecution or threat of persecution of those wishing to provide evidence. To secure those objectives, UNHCR should actively promote compliance with the Convention on the Rights of the Child and other human rights instruments. In emergencies, staff of international and local NGOs, host country officials and refugee leaders should be given training in human rights issues.

38. Both UNHCR and the NGO community were under increased critical scrutiny. In that context, NGOs believed that the PARinAC processes and the relationship between NGOs and UNHCR that PARinAC embodied presented both opportunities and challenges to develop mechanisms for increased accountability for, and responsible stewardship of, the resources they collectively managed.

39. Mr. SZYNALSKI (World Food Programme) said that the Economic and Social Council discussions in June and the calls for a review of collaborative arrangements between operational agencies of the United Nations system concerning relief assistance had underscored the importance of the partnership between the World Food Programme (WFP) and UNHCR. With the increase in the number of refugees and the need to extend protection and assistance to internally displaced persons, that cooperation had become crucial to the international relief system.

40. In 1996, WFP would be facing the challenge of providing basic food assistance to about 20 million refugees and internally displaced persons. In practical terms, that meant delivering over 2.5 million tonnes of food valued at US$ 1.2 billion. The Rwanda regional operation alone had over the past year required the procurement, transport and delivery of more than 50,000 tonnes of food every month to areas difficult of access. On the whole, the operation had been a success, with little talk of starvation or malnutrition. With resources dwindling earlier in the year, the generous response to a joint appeal by the Executive Director of WFP and the High Commissioner had made it possible to redress the situation rapidly and the nutritional situation of refugees and internally displaced people - almost 3 million in total - in the Rwanda/Burundi regional operation had remained stable.

41. That example and the general success of the joint working arrangements of WFP and UNHCR should not obscure the fact that there had been some problems in the relationship, but they were being addressed through regular meetings and adjustments to work plans. The first revision of the memorandum of understanding had taken place in January 1994, a permanent task force was meeting at least twice a year to review problems and WFP and UNHCR now held regional meetings on critical operational issues in specific situations, such as that in the Great Lakes region.

42. Joint food needs assessment missions were continuing to be fielded in 1995. In the case of the Liberia regional operation, which involved a phase-out strategy, WFP and UNHCR had worked out an approach that should allow a gradual reduction in food aid with the parallel development of a rehabilitation programme guaranteeing a safety net to the most vulnerable, particularly children.

43. Phase-out strategies nevertheless raised the delicate question of how far refugees who had achieved self-reliance in hosting countries should continue to be supported by the international community. WFP was unable to guarantee donor sympathy for continued feeding. Efforts to set time-frames and agree on repatriation packages had been beset by requests for delays and "reviews". WFP did not set repatriation policy: it agreed to it with UNHCR. His

organization believed that it should be more involved in the tripartite discussions so that food aid, an important component of repatriation, was properly considered as a factor in the programme.

44. The approach to rehabilitation and development was being tested successfully in Mozambique, where some 1.2 million refugees had been repatriated and were being absorbed in the country's economy with relative ease. The combination of food and non-food assistance and the collaboration of NGOs and the Government of Mozambique had been exemplary. It was hoped that a similar programme, albeit in more difficult circumstances, could be replicated in Angola.

45. Talks between WFP and UNHCR had identified a number of points on which the two organizations needed to work further together. They related specifically to better control of communications and information on the food pipeline; common understanding of who should do what in the case of food supply breakdowns; consultation regarding local food purchases; closer dialogue on the supply of non-food needs which combined with food requirements to create conditions conducive to the well-being of refugees; cooperation in census and registration activities at the beginning and particularly within about three months of an emergency; the food basket and the adequacy of the current minimum ration level, for which a revised figure was expected to be agreed upon to take account of current thinking on what was a "reasonable" calorie, micronutrient and vitamin content of a daily food ration; and emergency training, where the approach for 1996 was being revised to combine operational and management aspects.

46. One of the main challenges was inequity in distribution even in the case of regular and adequate food supplies. Research suggested that concentrating on households as a unit and targeting women might guarantee equity at the beneficiary level. As a result, WFP's commitment at the Beijing Conference included giving particular attention to that aspect of its relief operations and WFP would be working with UNHCR to improve the system.

47. It was important to note that the WFP and UNHCR memorandum of understanding was a framework and not a straightjacket. For example, there were different collaborative arrangements in the former Yugoslavia from those in the Great Lakes region of Africa. Cooperation was based on assessment of the situation on the ground, on inputs or assistance of other partners and on practical considerations. In general, the flexibility of the relationship had been a key to its success.

48. In conclusion, he paid tribute to the strong support of the donor community and the generosity of the countries hosting refugees and those others which helped WFP provide assistance to the displaced. WFP had made considerable efforts to address the issues of financial control, losses, better management practices and accountability, but there was little that could be done to control the number of people that needed food assistance. Cutting aid would not resolve the problem and would most likely exacerbate it, creating more refugees and displaced persons. Addressing the "root causes" of emergencies was not an easy matter and there was a strong feeling that development was the only answer to poverty and the conflict that resulted from it. WFP's development programme was now overshadowed by relief operations,

but that was not from choice and WFP wondered whether cutting at the development end was a solution, or even a good move, at the present time. The introduction of the programme approach in its planning and resource allocation process might help to link relief with rehabilitation and development more effectively. WFP hoped for continued support in that endeavour.

49. Mr. LE LUONG MINH (Observer for Viet Nam) commended the tireless efforts and dedication of the High Commissioner and her staff in working to relieve the sufferings of millions of people around the world. While there had been substantial improvements over the past five years in many aspects of world affairs, the refugee situation continued to be appalling. There were some 27.4 million people of concern to UNHCR, about 14.5 million of them being refugees.

50. Armed conflict, outside interference, poverty resulting from war and economic backwardness in developing countries were very often the root causes of outflows. Refugee problems could be solved only in a comprehensive manner through the joint efforts of all parties concerned and of the international community in general on the basis of mutual understanding, responsibility, cooperation and solidarity. In addressing each problem, whether in the field of protection or in the field of assistance, UNHCR always played an essential role.

51. A fine example was the Comprehensive Plan of Action for Indo-Chinese Refugees. Since 1989, under that Plan, thousands of Vietnamese had been resettled in third countries and about 75,000 had come back to their homeland from first-asylum countries under voluntary repatriation and orderly return programmes. The first-asylum countries had shown their utmost sympathy and patience, donor countries had extended their generous assistance and UNHCR had carried out its humanitarian mandate in a most effective manner.

52. As the country of origin, Viet Nam had done whatever it could to meet its commitments, cooperating in repatriation and reintegration programmes, extending humanitarian treatment to returnees and facilitating monitoring activities. His Government would continue to cooperate with UNHCR and all parties concerned to implement the voluntary repatriation and orderly return programmes, on the basis of safety, respect for dignity and international assistance, and to work for the completion of CPA. It was aware of the new complex developments that made the implementation of the memorandums of understanding it had signed with neighbouring ASEAN countries difficult, but was convinced that, with mutual good will and trust, it would be possible for them to work together to find suitable solutions.

53. Before concluding, he wished to touch on another issue that had been raised. In 1979, at the call of their home Government, hundreds of thousands of citizens of a neighbouring country who had come to Viet Nam to earn a living had left Viet Nam for their native country. Those people were not refugees. They had settled for the past 16 or 17 years in their own country and their lives had been stabilized there. It was appropriate that they should remain in their country. The international community should continue to extend necessary assistance to them and refrain from discussing the matter further.

54. Mr. KA (Observer for Senegal) said that, a few years earlier, an eminent politician speaking in the United Nations had said that politics were a worse calamity for mankind than natural disasters. In the 50 or so conflicts now going on in the world, lack of respect for the civilian population was the main characteristic and it was being used to achieve military and political objectives. As a result, humanitarian action had become an essential tool for the maintenance of international security.

55. UNHCR's international system of assistance and protection was constantly changing to meet growing and increasingly complex needs.

56. There had always been three possible durable solutions to the refugee problem, namely, return to the country of origin, transfer to another host country and local integration, but UNHCR's main challenge at present was the protection of refugees. That meant material assistance, physical protection and making the right of asylum more widely applicable.

57. When entire populations suddenly moved from one country to another, they inevitably upset the geographical, economic, social and political balance of the country of asylum. The social cost of underdevelopment became heavier, tensions rose and conflicts easily flared up between the displaced persons and the local population and living conditions in the camps deteriorated. Displaced persons then faced the threat of involuntary repatriation without safeguards.

58. Although humanitarian action was central to the solution of refugee problems, it had to be more wide-ranging and effective and the international community had to be more prepared to mobilize the requisite financial resources.

59. It was intolerable that, at the end of the twentieth century, millions of refugees should be languishing in camps. The international community's aid had been substantial, but inadequate.

60. UNHCR's general programmes should give priority to Africa, which produced and received the most refugees.

61. The Organization of African Unity had made great efforts to protect refugees and prevent mass movements.

62. The widening of the concept of "refugee" in the 1969 OAU Convention had proved to be valuable in situations where it had been impossible to process individual applications for the granting of refugee status.

63. A conflict prevention and management mechanism could become fully operational with the support of the international community. The period of time, the number of persons involved and the reception facilities required and available had to be estimated if a warning system was to be successful. He hoped that OUA and UNHCR activities would be coordinated in Africa and paid tribute to the High Commissioner and her staff, especially those working in the field.

64. Mr. de COURTEN (International Committee of the Red Cross) said that, in the former Yugoslavia, the ceasefire was a glimmer of hope for millions of civilians, although it would be along time before life returned to normal. Only a few days earlier, civilians had been caught between opposing armies and hundreds of thousands of people had been forced to leave their homes as a result of ethnic cleansing. That scandalous policy was still being pursued and had to be stopped.

65. The international community would have to make substantial efforts to rebuild entire regions in ruin. As soon as a ceasefire came into force in a country, ICRC had to be notified of and be given free access to any detained person and the parties involved had to search actively for any person who had disappeared. The ICRC Central Tracing Agency had a key role to play in that regard. ICRC was making a substantial contribution to the rebuilding of trust by working on practical solutions to those urgent problems. In the former Yugoslavia, however, winter was approaching and ICRC emergency assistance was still required. Its aim should be long-term rehabilitation. If the political situation stabilized, ICRC could gradually hand over to specialized agencies responsible for reconstruction and development projects.

66. With the hope of a peace settlement came the crucial question of the repatriation and return of refugees and displaced persons. Hasty decisions could impede the peace process. The refugees' return in safety and dignity had to be ensured.

67. Even when hostilities had ceased, security risks still existed and acts of violence continued, as the cases of the former Yugoslavia and Rwanda showed. A hasty return in the absence of suitable psychological and physical conditions, especially housing, could revive tension.

68. A system to compensate refugees fairly for the property they had lost should be introduced. Taking over someone else's home was not a solution. Mines were another serious problem and it was regrettable that the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, held in Vienna from 25 September to 13 October 1995, had not reached a decision on that subject.

69. The example of Rwanda demonstrated that over-rapid repatriation would be accompanied by mass arrests, which make living conditions in detention centres even worse.

70. Certain conditions had to be met: repatriation had to be voluntary and non-refoulment was a universally recognized principle. It was vital that individual refugees should be able to say that they feared persecution if they returned to their country of origin. He called on States which had taken in war victims to continue to show solidarity.

71. Only close coordination among all those concerned would make it possible to contend with the size and complexity of the challenge. Special attention

had to be paid to social welfare facilities for persons who returned home. The National Red Cross and Red Crescent Societies and their International Federation had an important role to play in that regard.

72. While the return of refugees and displaced persons was a burning issue in Rwanda and the former Yugoslavia, there were many other problems for which no solution had been found, as in the Caucasus, Afghanistan, Liberia and Somalia.

73. The twenty-sixth International Conference of the Red Cross and the Red Crescent, to be held in Geneva in December 1995, would discuss ways of improving respect for international humanitarian law as a means of helping to prevent forced displacements of populations.

74. Concerted action among the various operational organizations continued to be of vital importance and UNHCR and ICRC were determined to avoid any duplication of effort.

75. Mr. BELO-CABAN (Observer for the Slovak Republic) said that forced population displacement was an immediate consequence of war and political instability. The refugee problem was closely linked to the overall aim of the United Nations and its Member States to prevent and resolve any conflict which might endanger international peace and security.

76. The Slovak Republic had recently started to admit immigrants for a short period of time. The Slovak authorities had been endeavouring to create a new legislative and institutional base for migration and refugees. A new law on refugees would enter into force on 1 January 1996. It would improve the asylum procedure and allow refugees to apply for citizenship after they had been living in the country for five years.

77. He was pleased to note that the migration situation in his country had stabilized. It had recorded 241 asylum applications in 1995, granted 2,000 immigrants from the former Yugoslavia refugee status and would continue to grant refugees from the former Yugoslavia temporary protection in future. The main priority was to integrate refugees into Slovak society. The Slovak Republic would try to solve the problem of the shortage of jobs and housing with UNHCR's assistance. A joint UNHCR-Slovak Migration Office project launched at the start of 1995 made provision for grants to persons with refugee status.

78. The Slovak Republic was cooperating with other countries and international organizations dealing with migration and refugee policy and had applied to join the International Organization for Migration.

79. UNHCR had been confronted with unprecedented challenges in the past year. He greatly appreciated all that it was doing to solve migration problems and implement an effective refugee policy in Central and Eastern Europe and throughout the world.

80. Mr. MOMANYI (Observer for Kenya) said that many encouraging changes had taken place since the Executive Committee's last session. In Africa, there had not been any new major refugee movements, although the situation in Rwanda and Burundi was still causing much anxiety. Tribal animosity had resulted in

massive, totally unprecedented atrocities and the internal displacement of thousands of persons. Furthermore, Rwandan refugees were placing a great strain on neighbouring countries.

81. The international community had done much to alleviate the suffering of the Rwandese people, but more action was needed to encourage the voluntary return of refugees to their countries of origin. To that end, emphasis had to be placed on community rehabilitation focusing on health and education.

82. Since the 1940s, Kenya had played host to both Hutu and Tutsi refugees from Rwanda and Burundi, most of whom had integrated into and become part of the Kenyan community. The Government of Kenya appreciated the difficulties involved in tackling the Rwandan situation and supported the international community's efforts in that regard. Any measures for that purpose would have to be comprehensive and the United Nations Tribunal on Rwanda should look into all the issues leading up to and including the genocide itself, for, otherwise no just, lasting solution could be found in Rwanda and Burundi.

83. The number of refugees in Kenya had dropped substantially owing to voluntary repatriation and the resettlement of refugees in third countries. The voluntary repatriation of Somali refugees had been very encouraging, but there were indications that a resumption of hostilities might produce a fresh flow of refugees. In that event, the international community should be prepared to provide appropriate assistance.

84. The Government of Ethiopia had enabled many Ethiopian refugees in Kenya to return home. The strife in Sudan was still producing an influx of refugees into Kenya and he appealed to the Government of Sudan to facilitate their voluntary return. Furthermore, he appealed for assistance to rehabilitate the environment and improve the security situation which had been damaged in the northern and coastal parts of Kenya as a result of the large number of refugees.

85. The cordial relationship between the Government of Kenya and the UNHCR office in Nairobi had enabled his country to manage the refugee situation quite successfully and to reduce crime in and around refugee camps. UNHCR's construction of a hospital in the Dadaab camp had benefited not only the refugees, but also the local population. The successful repatriation programme had made it possible to close two refugee camps and a third was in the process of being shut down.

86. Kenya would continue to fulfil its obligations towards refugees under the 1951 Convention, the 1967 Protocol and the 1969 OAU Convention. While it was not his Government's policy to force refugees to leave, one of its aims was to relocate some camps to safer areas.

87. Kenya was happy to note that a considerable number of refugees had been able to settle in third countries. That had given them a future and had reduced the number of refugees in Kenya.

88. He thanked all of the organizations involved in the Kenyan refugee programme, as well as the countries which had helped Kenya to contend with the problem. He paid special tribute to the Ford Foundation for providing funds to train officials dealing with refugees.

89. Visits to other countries and exchanges of experience would also improve his country's knowledge of the management of refugee issues.

90. Mr. RANDOLPH (Observer for Benin) said he had informed the forty-fourth session of the Executive Committee that, in early 1993, several hundred thousand Togolese had fled to Ghana and Benin to escape the insecurity resulting from their country's transitional difficulties. His country had taken in over 150,000 Togolese refugees, who had been spontaneously accommodated in Beninese families. In order to cope with the Togolese exodus, Benin had obtained assistance from the international community. A multidimensional aid programme had been set up and, as a result of it, there had been no epidemics or chronic malnutrition. His country was grateful to all those who had contributed to the programme.

91. Many favourable developments had occurred since the Committee's last session: the Togolese Government had adopted an amnesty law; a pilot project had led to the voluntary repatriation of over 7,000 persons; and negotiations between UNHCR and the Togolese Government had resulted in the signature of an agreement on the voluntary repatriation of refugees. Registration operations with a view to return were under way. The total number of Togolese refugees had dropped considerably, from 150,000 in 1993 to some 36,000 on 30 September 1995. NGOs had played a particularly active part in the implementation of the programme to assist Togolese refugees.

92. Under the terms of international instruments on the status of refugees, repatriation was a voluntary act and depended on the individual decision of the persons concerned. Some Togolese refugees did not yet wish to return home for a variety of reasons and they would continue to benefit from asylum and Benin's protection.

93. As the Executive Committee's forty-sixth session coincided with the commemoration of the fiftieth anniversary of the United Nations, it offered a good opportunity to assess action to promote peace and to consider fresh guidelines to deal with the major changes now taking place.

94. UNHCR's humanitarian action to assist refugees and restore peace had not always been easy and had often been carried out in dangerous conditions. Benin paid tribute to those who had given their lives for the humanitarian cause.

95. The international situation showed that refugees were more the product of violations of human rights than of natural disasters. The end of the cold war had paved the way for particularly bloody inter-ethnic conflicts which had had dramatic consequences for man and his environment. The figures were alarming and Africa, the least developed continent, beat all the records with 7 million refugees and 20 million displaced persons. Benin was deeply concerned by that situation.

96. Africa's development and the survival of its peoples would depend on whether a solution could be found to the refugee problem. While efforts had to continue to be made to improve UNHCR's response and fund-raising capacity, solutions to the root causes of the problem had to be explored in greater depth.

97. The situation called for energetic action by the African countries to mobilize and develop the continent. They were making progress. They had set up machinery to prevent, manage and settle conflicts, as shown by the establishment by the ECOWAS countries of ECOMOG and its deployment in Liberia since 1990. Many countries were carrying out difficult, but essential political and economic reforms. There were moves to promote a democratic culture based, inter alia, on the teaching of human rights, respect for the principle of power sharing, dialogue and popular participation. Regional integration was aimed at boosting the beneficial effects of the reforms carried out by individual States.

98. The international community should give greater support to those efforts in order to create a critical mass of democratic, prosperous States. As the President of the Republic of Benin had pointed out during his official visit to the United States in 1995, the world had become a global village and concerted action was needed. The benefits of development should be extended to all. That was the message behind the words "United for a better world".

99. Mr. De WINTER (International Organization for Migration) said that, in order to guide and situate itself within a cooperative framework with its partners, IOM had recently developed a strategic plan which it was discussing widely with member States and other agencies. It had been and was ready and willing to establish a more formal agreement on the need to ensure complementarity of action, partnership and an efficient division of labour.

100. In defining the respective roles of UNHCR and IOM, it should be borne in mind that IOM was a migration organization and not a refugee organization. When it became involved in matters affecting refugees, it did so in the closest cooperation with UNHCR. In direct cooperation with UNHCR, it had assisted the return of some 76,000 Afghans from Iran to Afghanistan and of 400,000 refugees and internally displaced persons in Rwanda.

101. In other parts of Africa, programmes were delineated according to the multi-agency consolidated appeals in which both IOM and UNHCR participated. Angola and Liberia were good examples of how that inter-agency planning helped ensure that organizations played the roles in which they had a comparative advantage.

102. In the former Yugoslavia, under a tripartite agreement with UNHCR and the International Committee of the Red Cross (ICRC), IOM was responsible for the tracing, notification and transportation of family members whose relatives resided in receiving States. The programme had reunited over 18,000 family members in 21 countries. Since May 1995, IOM had also prepared 800 cases for final UNHCR refugee screening. A joint UNHCR/IOM programme, working closely with the United Nations Protection Force (UNPROFOR), had arranged for the evacuation of over 1,250 patients for urgent medical treatment in third countries.

103. Under the Comprehensive Plan of Action for Indo-Chinese Refugees (CPA), IOM had continued to administer the Orderly Departure Programme from Viet Nam. Two other aspects of CPA in which it was closely associated with UNHCR - the voluntary return programme and resettlement - had tapered off significantly as CPA had wound down. The continued presence of some 40,000 screened-out asylum seekers in first asylum camps in South-East Asia remained to be addressed.

104. IOM had also joined UNHCR and the Organization on Security and Cooperation in Europe (OSCE) to form the Secretariat to prepare for the conference on refugees, returnees, displaced persons and related migratory movements in the CIS and neighbouring States. The costs of many of those cooperative activities with UNHCR would be much more transparent under a recent agreement reached between the two organizations.

105. The internal accounting procedure of "projectization", whereby all costs incurred by a particular programme were attributed to that programme, had been extended beginning in 1996 to all joint activities with UNHCR. In addition to activities carried out in close cooperation with UNHCR, IOM implemented other programmes that dealt with migrants who were not refugees. Among them were programmes implemented in favour of the return home and reintegration of demobilized soldiers in Mozambique, Haiti, Angola and, soon, hopefully, Liberia. Those programmes included technical cooperation to strengthen the institutional capacities of countries to manage migration; language and cultural orientation training for migrants; assisted return programmes for irregular migrants and unsuccessful asylum-seekers; and programmes to place, transport and reintegrate particularly qualified individuals to their countries of origin or other countries.

106. Mr. ZUKHUROV (Observer for the Republic of Tajikistan) said that his country was currently experiencing the most difficult period in its history. Over 850,000 people had become refugees and internally displaced persons as a result of the civil war and practically every third citizen had suffered in some way during the course of the armed conflict. The situation had been aggravated by the consequences of the unprecedented natural disasters of 1992-1994. The damage done to the national economy by both the armed conflict and the natural disasters was estimated at 14 trillion roubles.

107. During that difficult period and during the transition to a market economy, however, Tajikistan had been given a helping hand by a great many States, international organizations and non-governmental organizations, primarily UNHCR, IOM, the ILO, OSCE, ICRC and the European Union. Thanks to that humanitarian aid, the country had succeeded not only in returning and accommodating most of the refugees and internally displaced persons, but also in stabilizing the districts and villages to which they had returned. Nevertheless, new problems and difficulties kept emerging, including those of the accommodation, employment and the social protection of refugees and their reintegration into the country's socio-political life during a deepening economic crisis. Four rounds of inter-Tajik talks, mediated by the United Nations, had already been held, and the President of Tajikistan and the head of the Tajik opposition had recently signed a protocol on the basic principles for establishing peace and national reconciliation.

108. Probably the main result of his Government's joint activities with UNHCR was the return of most of the refugees and internally displaced persons to their places of origin. Out of 697,000 internally displaced persons, more than 676,000 had already returned to their places of origin, while over 40,000 refugees had returned to their homeland from Afghanistan. The process of returning compatriots from CIS countries had also begun. However, the majority of refugees and internally displaced persons were returning to war-damaged, burnt and plundered homes and many of them still remained without shelter or lived in temporary buildings or tents. With winter approaching, economic difficulties, including the shortage of food and clothing, posed a threat to tens of thousands of socially vulnerable people. Among the refugees and internally displaced persons, 55,000 families had lost their breadwinners and more than 55,000 children had become orphans. Despite all that had been accomplished, more than 190,000 people still remained in CIS countries; between 10,000 and 12,000 had not yet returned from Afghanistan; and more than 7,000 of them were temporarily staying in the Gorny Badakhshan Autonomous Region. There were still more than 18,000 wrecked homes to rebuild.

109. At present, Tajikistan could not cope alone with the complex problems of returning and housing the internally displaced persons and refugees still remaining outside the country. It was very much in need of help from the international community, international organizations and primarily UNHCR. It was therefore a matter of extreme importance that UNHCR's mandate should be extended until 1996.

110. The Government was grateful to UNHCR for having rebuilt 17,000 wrecked homes in the Khatlon region, which had suffered the most during the civil war. It welcomed UNHCR's decision to finance Save the Children/United States in providing building materials for the reconstruction of an additional 1,000 homes. It further supported the Memorandum of Understanding signed by UNHCR, Save the Children/United States and other agencies to finance and implement three projects on an economic survey, NGO capacity-building training and a study of small enterprise development.

111. His Government would like to have assistance from the United Nations Development Programme (UNDP) in developing small enterprises, especially in the districts to which refugees and internally displaced persons had returned. In view of the difficult employment situation, particularly among the returned refugees and internally displaced persons, the Government would also appreciate increased implementation of UNHCR's small enterprise programme. It was time to start small enterprises producing materials, clothing, oil, tinned goods and other consumer items of which returnees were greatly in need. A new joint appeal should be made for humanitarian aid for Tajikistan from international organizations for the rest of 1995 and 1996 and, in that regard, the Government requested support from UNHCR. It was also time to consider the question of admitting Tajikistan as a member of the Executive Committee.

112. Ms. AROCHA RIVAS (Venezuela) said that her country fully supported UNHCR's new priorities, including a revitalized strategy for international protection and planning based on a comprehensive approach, as well as the formulation of a prevention plan for internally displaced persons. Such measures, combined with enhanced preventive action, the political will of

States and international efforts to solve the root causes of the problem, would make it possible to find a medium-term and long-term durable solution.

113. With regard to international protection and, in particular, the need for the legal protection of massive flows of refugees, Venezuela was concerned that certain violations of the right of asylum persisted and that restrictive measures were being imposed that were contrary to the principle of international protection. Such practices were also applied to internally displaced persons within territories in situations of armed conflict and to stateless persons.

114. Venezuela was in favour of setting up mechanisms to strengthen the national capacity of countries receiving large migratory flows. Voluntary repatriation as a durable solution required that rehabilitation, reconstruction and national reconciliation should be addressed exhaustively and efficiently. Her Government welcomed UNHCR's plans to give priority to the most vulnerable segments of the refugee population, mainly women and children, in planning and implementing strategies and general programmes.

115. In view of the current financial crisis of the United Nations system, including UNHCR, Venezuela favoured the establishment of priorities with respect to aid and assistance and supported all measures aimed at improving UNHCR'S working methods, including decentralization. Her Government attached great importance to the contribution of NGOs to UNHCR and supported the Partnership in Action (PARinAC) process, as well as the proposals to increase coordination among the different agencies and actors in the field. It welcomed the activities being carried out to improve statistical and information systems, as well as UNHCR's efforts to promote and disseminate standards on the rights of refugees.

The meeting rose at 1.05 p.m.